IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

CIVIL APPLICATION NO.5351 OF 2006.
IN
FIRST APPEAL NO. 3119 OF 2006.

Mohomed Hanif Maherali. ... Applicant.
Versus.
Mohomed Aslam Mohomed Saleh Mukadam. ... Respondent.

Mrs.E.R.Shaikh holding for Shri S.S.Redekar for the Applicant.

Mrs.Leena Temkar for the Respondent.

CORAM : ABHAY S.OKA, J.

DATED : 23rd February, 2007.

P.C.:

1. Heard the learned Advocates appearing for the parties. The Applicant is the original Plaintiff. The suit for injunction has been dismissed by the impugned Judgment and Decree. Though during the pendency of the suit, mandatory interim relief was prayed by the Applicant/Plaintiff, admittedly the said relief was not granted in favour of the Applicant/Plaintiff. After dismissal of the suit, in this Appeal, mandatory relief which is prayed for in prayer clauses (c), (d), (e) and (f) cannot be granted. So far as prayer (b) is concerned, in view of the prayer made in the suit, which is not granted by the trial Court, prayer clause (b) cannot be granted. No case is made out for grant of interim relief. Application is rejected.

Judge.